IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24454 of 2004

Between:

M/s.Shanthi Housing & Estates Private Limited (Happy Resorts), rep., by its Managing Director
Mr.Ambati Madhumohan Krishna, s/o Ranga Rao, aged about 52 years, situated at Atmakur Village,
Mangalagiri Mandal, Guntur District.

..... PETITIONER

AND

1 The Superintendent of Police, Guntur District, Guntur.
2 The Deputy Superintendent of Police, Guntur District, Guntur.
3 The Circle Inspector of Police, Mangalagiri Police Station, Mangalagiri, Guntur District.
4 The Station House Officer, Mangalagiri Police Station, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or direction or writ more particularly one in the nature of writ of mandamus direct the respondents to act in accordance with law and forbear from interfering with the activities of the petitioner in particular, the facility for the card room where the rummy and guests are allowed to play the game of rummy with stakes and syndicate and grant to pass such other order or orders.

Counsel for the Petitioner:MR.M.L.ALI

Counsel for the Respondents No.1 to 4: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner is a Housing & Estates Private Limited (Happy Resorts). Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of mere skill under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the

respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. It is further directed that in case any violation is noticed by the police in the premises of the petitioner, the panchnama shall be drawn in the presence of any independent person such as Village Sarpanch, Village Secretary etc. It shall be open to the petitioner to work out further remedies in case the protection accorded above does not serve the purpose. No order as to costs.

30.12.2004

ksld

To

1 The Superintendent of Police, Guntur District, Guntur.
2 The Deputy Superintendent of Police, Guntur District, Guntur.
3 The Circle Inspector of Police, Mangalagiri Police Station, Mangalagiri, Guntur District.

4 The Station House Officer, Mangalagiri Police Station,
Guntur District, Guntur.

5 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT).

6 Two CD copies.